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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

YORK WALLCOVERINGS, INC.,

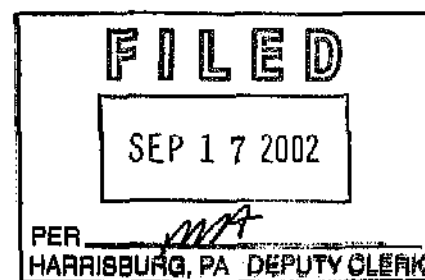
Plaintiff

v.

S.A. MAXWELL COMPANY, INC.
and JAIMA BROWN,

Defendants

CIVIL NO.1:CV-01-0793



ORDER

Before the court is Plaintiff's motion *in limine* to preclude evidence of independent creation. In essence, this motion asks the court to find as a matter of law that the design was not independently created. Therefore, this is not so much a motion *in limine* as it is one for summary judgment. Defendant is entitled to have this issue tried by a jury and may produce additional evidence that was not produced at the preliminary injunction hearing.

Accordingly, **IT IS HEREBY ORDERED THAT** Plaintiff's motion *in limine* to preclude evidence of independent creation is **DENIED**.


SYLVIA H. RAMBO
United States District Judge

Dated: September 17, 2002.